Supreme Court, U.S.
FILED
051392 JAN 25 2006
OFFICE OF THE CLERK

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

CHANKERAN MANGRA,

Petitioner

v.

U. S. ATTORNEY GENERAL

Respondent

On Petition for Writ of Certiorari
To the United States Court of Appeal for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

GEORGIA B. GILLETT
Counsel of Record
THE GILLETT LAW FIRM, P.A.
19620 Pines Blvd., Suite 202A
Pembroke Pines, Florida 33029
Tel: (954) 433-5773

QUESTION PRESENTED FOR REVIEW

Whether the Eleventh Circuit Court of Appeal erred in its application of the Substantial Evidence Standard and in so doing erred in upholding the decisions denying political asylum and withholding of removal under the statute and the Convention Against Torture where Petitioner has a well founded fear of persecution by the PNC based upon her race and political opinion.

CORPORATE DISCLOSURE STATEMENT

No parties are corporations. Sup. Ct. R. 29.6

TABLE OF CONTENTS

Question Presented for Review.....i

Corporate Disclosure Statement.....ii

Table of Contents.....ii

Table of Authorities.....iii

Petition for a Writ of Certiorari.....1

Opinions Below.....1

Jurisdiction.....1

Constitutional Provision and Statutes Involved.....1

Statement of the Case.....1

Reason for Granting the Writ.....2

I. The Decision below conflicts with the Substantial Evidence Standard.....2

Conclusion.....14

Appendix.....1a

TABLE OF AUTHORITIES

CASES

Adefemi v. Ashcroft, 386 F.3d 1022, 1027 (11th Cir.2004) (en banc), petition for cert. filed, (U.S. Oct. 28, 2004).....5

Akinmade v. INS, 196 F.3d 951 (9th Cir. 1999).....12

Al Najjar v. Ashcroft, 257 F.3d 1262, 1283-84 (11th Cir.2001).....5

Cordon-Garcia v. INS, 204 F. 3d 985, 990 (9th Cir, 2000).....3

D-Muhumed v. United States Att'y Gen., 388 F.3d 814, 817-18 (11th Cir.2004).....5

Duarte de Guinac v. INS, 179 F.3d 1156, 1159 (9th Cir. 1999).....4

Efe v. Ashcroft, 293 F.3d 899, 912 (5th Cir. 2002).....3

Forgue v. U.S. Atty. Gen, 401 F.3d 1282, 1886 (11th Cir. 2005).....5, 9

Gao v. Ashcroft, 299 F.3d 266, 268 (3d Cir. 2002).....8

INS v. Elias-Zacarias, 502 U.S. 478, 481, 112 S. Ct. 812 (1992).....3

Iao v. Gonzales, 400 F.3d 530 (7th Cir. 2005).....6. 9

Kataria v. INS, 232 F.3d 1107, 1119 (9th Cir. 2000)....3, 4

Ladha v. INS, 215 F.3d 889, 897 (9th Cir. 2000).....3, 4

Mangra v. U.S. Attorney General, 153 Fed. Appx. 615, (11th Cir. 2005).....1

Mejia-Paz v. INS, 111 F.3d 720, 723 (9th Cir. 1997)....3

Navas v. INS, 217 F.3d 646, 655 (9th Cir. 2000).....4

Patel v. INS, 2000 U.S. App. LEXIS 8517 (9th Cir. 2000).....12

Singh v. INS, 134 F.3d 962, 967 (9th Cir. 1998).....3

Turcios v. INS 821 F.2d 1396 (9th Cir. 1987).....12, 13

Yang v. Ashcroft, 99 Fed. Appx. 124 (9th Cir. 2004).....12.

BIA CASES

In re S-A-, 22 I. & N. Dec. 1328 (BIA 2000).....13

Matter of A-S-, 21 I. & N. Dec. 1106 (BIA 1998).....13

STATUTES

Section 208(a) of the Immigration and Nationality Act.....1, App. 1a
Section 212(a)(6)(C)(i) of the Immigration and Nationality Act: .....1, App. 2a
Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act: .....1, App. 3a
Section 241(b)(3) of the Immigration and Nationality Act.....1, App. 3a

8 C.F.R. § 208.13(b)(1)(i) (2000).....1, 4, App. 4a

8 C.F.R. 208.16(c)(2).....1, 5, App. 4a
8 U.S.C. § 1231 (b)(3) (Supp. II 1996).....1, 4, App. 6a

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Chankeran Mangra, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeal for the Eleventh Circuit.

OPINIONS BELOW

The opinion of the Court of Appeal, Mangra v. U.S. Attorney General, 153 Fed. Appx. 615, (11th Cir. 2005) (App. 20a) is not published. The Opinion of the Board of Immigration Appeals (App. 19a) is not reported. The Opinion of the Immigration Judge (App. 11a) is not reported.

JURISDICTION

The judgment of the United States Court of Appeals for the Eleventh Circuit was issued on October 28, 2005. This Court has jurisdiction over this petition under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION AND STATUTES INVOLVED

Section 208(a) of the Immigration and Nationality Act: (App. 1a)
Section 212(a)(6)(C)(i) of the Immigration and Nationality Act: (App. 2a)
Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act: (App. 3a)
Section 241(b)(3) of the Immigration and Nationality Act: (App. 3a)

8 C.F.R. § 208.13(b)(1)(i) (2000) (App. 4a)

8 C.F.R. 208.16(c)(2) (App.6a)

8 U.S.C. § 1231 (b)(3) (Supp. II 1996) (App. 6a)

STATEMENT OF THE CASE

On April 29, 2003, the Appellant appeared for a Master Calendar Hearing before the Immigration Judge and filed an application for political asylum and withholding of removal under the statute and the United Nations Convention Against Torture. The IJ accepted her application and scheduled an Individual hearing for September 19, 2003. The Immigration Court then subsequently re-set the Individual Hearing for October 8, 2003. At the Individual Hearing on October 8, 2003, the Immigration Judge denied Appellant's applications for political asylum and withholding of removal under the statute and the United Nations Convention Against Torture.

Appellant then appealed the Immigration Judge's decision to the BIA. On March 28, 2005, the BIA affirmed the Immigration Judge's decision, without opinion. Appellant then filed a petition for review of the BIA's decision. On October 28, 2005, the Court denied her Petition for Review.

REASON FOR GRANTING THE WRIT

The Decision below conflicts with the Substantial Evidence Standard

The Substantial Evidence Standard

The Court of Appeals reviews decisions made by the Board but normally does not consider the rulings and findings of immigration judges unless they impact the Board's decision. Since the Board affirmed the immigration judge's findings and conclusion without opinion, the Court of Appeals for the Eleventh Circuit reviewed the immigration judge's findings here. Efe v. Ashcroft, 293 F.3d

899, 908 (5th Cir. 2002). The Board's factual conclusions are reviewed for substantial evidence. Questions of law are reviewed de novo. The Court of Appeals gives great deference to an immigration judge's decisions concerning an alien's credibility. Efe v. Ashcroft, 293 F.3d at 909.

Establishing Eligibility for Political Asylum

To establish eligibility for asylum, an applicant must prove that he or she is a refugee. Kataria v. INS, 232 F.3d 1107, 1119 (9th Cir. 2000), Citing Cordon-Garcia v. INS, 204 F. 3d 985, 990 (9th Cir, 2000). An asylum applicant must demonstrate "persecution or a well-founded fear of persecution on account of [one of five grounds]: race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. §1101(a)(42(A); Efe v. Ashcroft, 293 F.3d at 912. The asylum applicant bears the burden of establishing past persecution and a well-founded fear of future persecution based upon one of the five protected grounds of the Act. INS v. Elias-Zacarias, 502 U.S. 478,481, 112 S. Ct. 812 (1992).

Persecution is defined as "the infliction of suffering or harm upon those who differ (in race, religion, or political opinion) in a way regarded as offensive." Kataria v. INS, 232 F.3d at 1119, citing Cordon-Garcia. 204 F. 3d at 991 (quoting Singh v. INS, 134 F.3d 962, 967 (9th Cir. 1998).

To establish a well-founded fear of persecution, an applicant must demonstrate both a subjective and an objective fear of persecution. Kataria v. INS, 232 F.3d at 1119, citing Mejia-Paz v. INS, 111 F.3d 720, 723 (9th Cir. 1997). An applicant can satisfy the subjective component by credibly testifying that he genuinely fears persecution. An applicant can satisfy the objective component in two ways. Kataria v. INS, 232 F.3d at 1119, citing Ladha v. INS, 215 F.3d 889, 897 (9th Cir. 2000). The first way is to prove

persecution in the past, giving rise to a rebuttable presumption of a well-founded fear of future persecution. Citing 8 C.F.R. § 208.13(b)(1)(i) (2000). The second way is to "show a good reason to fear future persecution by adducing credible, direct, and specific evidence in the record of facts that would support a reasonable fear of persecution." Kataria v. INS, 232 F.3d at 1119, citing Ladha v. INS, 215 F. 3d at 897 (quoting Duarte de Guinac v. INS, 179 F.3d 1156, 1159 (9th Cir. 1999). The objective requirement can be met "either through the production of specific documentary evidence or by credible and persuasive testimony. Id.

Establishing Eligibility for Withholding of Removal Under the Statute

An alien is entitled to withholding of removal "if the evidence demonstrates a clear probability that the applicant would be persecuted were he to be deported to his home country." Kataria v. INS, 232 F.3d at 1120, citing Duarte de Guinac v. INS, 179 F.3d at 1159. "In order to demonstrate a clear probability of persecution, a petitioner must prove that "it is more likely than not that he would be persecuted on account of a statutorily-protected ground." Kataria v. INS, 232 F.3d at 1120, Citing Navas v. INS, 217 F.3d 646, 655 (9th Cir. 2000). An alien seeking withholding of removal to any country must show that his life or freedom would be threatened in that country on account of one of the enumerated grounds. Kataria v. INS, 232 F.3d at 1120. Citing 8 U.S.C. § 1231 (b)(3) (Supp. II 1996).

Withholding of Removal Under the Convention Against Torture

Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits it signatory states from removing "a person to another state where there are substantial grounds

for believing that he would be in danger of being subjected to torture." The United States is a signatory to the Convention and therefore, pursuant to 8 C.F.R. Sec. 208.16(c)(2), an applicant for relief under the Convention against Torture may not be removed to the stated country if the applicant can establish that it is more likely than not that he would be tortured if he were to be removed to that country.

The 11th Circuit's Application of The Substantial Evidence Standard to Petitioner's Case

Other Cases

The Eleventh Circuit said in Forgue v. U.S. Atty. Gen, 401 F.3d 1282, 1886 (11th Cir. 2005):

> We review the IJ's factual determinations under the substantial evidence test. D-Muhumed v. United States Att'y Gen., 388 F.3d 814, 817-18 (11th Cir.2004); Al Najjar v. Ashcroft, 257 F.3d 1262, 1283-84 (11th Cir.2001). Under this highly deferential test, we "affirm the [IJ's] decision if it is supported by reasonable, substantial, and probative evidence on the record considered as a whole." Al Najjar, 257 F.3d at 1284 (internal quotation marks and citations omitted). "Thus, we do not engage in a de novo review of factual findings by the [IJ]. Similarly, we cannot find, or consider, facts not raised in the administrative forum, nor can we reweigh the evidence from scratch." Adefemi v. Ashcroft, 386 F.3d 1022, 1027 (11th Cir.2004) (en banc), petition for cert. filed, (U.S. Oct. 28, 2004) (No. 04-7944) (internal quotation marks and citations omitted). Furthermore, "[u]nder the substantial evidence test, we review the record evidence in the light most favorable to the agency's

decision and draw all reasonable inferences in favor of that decision." Id.

In Iao v. Gonzales, 400 F.3d 530 (7th Cir. 2005), the Seventh Circuit Court of Appeals correctly applied the Substantial Evidence Standard and found that since the Immigration Judge's decision could not be regarded as reasoned, and since there was not an opinion by the Board of Immigration Appeals, the IJ's decision was vacated and the case remanded.

In Iao v. Gonzales, 400 F.3d at 532, the Court stated:

> The immigration judge gave five reasons for nevertheless denying Li's application for asylum. The first is that she was not persecuted in China. But she does not claim to have been; it is a nonissue. The fifth reason is that her brother, who lives in the United States, is a follower of Falun Gong yet failed to submit an affidavit attesting that his sister is too. The judge misread the record; the brother is *not* a follower of Falun Gong. Reasons 2 through 4 overlap. Reason 2 is that Li failed to present persuasive evidence that she is a follower of the movement, because in her testimony she was "quite vague concerning her beliefs." For example, she didn't know that Falun Gong has a symbol (the "Falun Wheel" composed of reverse swastikas, a Buddhist symbol). But the heart of Falun Gong observance is the exercises, which she testified without contradiction that she does. *Reason 3 was that there were inconsistencies in her testimony about the visits of the police to her home. This was not, as the immigration judge thought, an independent reason for denying the application for asylum; rather, it was a reason not to credit her testimony about being a member of Falun Gong. The*

inconsistencies were trivial, however, and may well have been due to the fact that Li was testifying through an interpreter who appears not to have had a good command of English. When Li testified about the delivery of the summons to her home by the police, the immigration judge asked her whether she had had any prior "confrontations" with the government and she said no, but later explained that although the police didn't start coming to her home until they served the summons, village officials had visited earlier. Were these "confrontations"? She was never at home when they visited. And goodness knows how the interpreter translated "confrontations" into Chinese.
Reason 4 was that when interviewed by an asylum officer at the time she first applied for asylum, Li testified that after the village officials got wind of her involvement with Falun Gong she "went into hiding at different locations and never went back home." The immigration judge said that she "did not specifically testify in this manner (e.g. that she went into hiding) nor does the rest of the record support this statement." That is not correct. Although Li (more precisely, the interpreter) did not use the word "hiding," she said she wasn't at home when the police visited and that sometimes she was "at my aunt that I mentioned at her house." Apparently the village officials and police visited her home repeatedly, and since she was never there when they showed up it is a logical inference, supported also by her mother's letter, that she was indeed trying to evade the authorities. (Emphasis added).

The immigration judge's opinion cannot be regarded as reasoned; and there was no opinion by the Board of Immigration Appeals. So we have to vacate the decision and send the matter back to the

immigration service. We do not decide that Li is entitled to asylum; that is a decision for the immigration authorities to make. But she is entitled to a rational analysis of the evidence by them.

Similarly, in Gao v. Ashcroft, 299 F.3d 266, 268 (3d Cir. 2002), the Court noted that careful scrutiny of the record shows that there are no significant inconsistencies in her story. The Court also noted that the IJ failed to consider important documentary evidence that support claims that Gao made during the hearing. Specifically, the Third Circuit Court of Appeals correctly applied the Substantial Evidence Standard when it stated:

> The IJ rested his decision on a credibility determination that is not supported by substantial evidence in the record. In addition, the IJ failed to consider or discuss potentially corroborative evidence. Therefore, this case must be remanded so that the IJ can reconsider the credibility of Gao's narrative based on the entire record, including her explanations of seeming contradictions, serious evaluation of the expulsion letter, and a reconsideration of the significance of the report cards. We, therefore, grant Gao's petition for review and remand to the Board, with leave to further remand to the immigration judge, for a determination of Gao's claims for asylum and withholding of deportation without reliance on the adverse credibility finding previously made. Gao v. Ashcroft, 299 F.3d 266, 279.

The Case at Bar

Here, the 11th Circuit Court of Appeals said (App. 25a):

> The IJ's decision is supported by reasonable, substantial, and probative evidence and we are

> not compelled to reverse. Specifically, as found by the IJ, Mangra lied on two previous occasions about her husband being killed by PNC members, she gave inconsistent testimony, and embellished her claims of threats to her and her family. These discrepancies go to the heart of Mangra's claim of persecution...On this record, Mangra has not met her burden to show the IJ's decision, including its credibility determination, was not supported by substantial evidence, Forgue. 401 F.3d at 1237.

In the case at bar, careful scrutiny of the record will show that there are no significant inconsistencies between Petitioner's asylum application, testimony at the Individual hearing, the three Affidavits she submitted, and the country condition evidence, including the Department of State's Country Report on Human Rights for Guyana, that she provided. And at the Individual Hearing, she provided an explanation for the untruth she told to Airport Immigration Officials and at her Credible Fear Interview about her husband in her desperation to obtain asylum in the U.S to avoid the persecution that would befall her were she to be returned to Guyana. Furthermore, Petitioner did not embellish her claims of threats to her and her family.

Similar to the Court's finding in Ioa v. Gonzalez, Id. *here the untruth was not an independent reason for denying the application for asylum, it was a reason not to credit her Airport and Credible Fear Interview testimony about her husband being killed.* But as her testimony at the Individual Hearing and her corroborating materials revealed, she and her family had been threatened by the PNC in the past and during the September 2002 incident, as discussed more fully infra.

The Immigration Judge failed to consider the three affidavits that corroborate the claims that Petitioner Mangra made during the Individual Hearing. Two of the affidavits were from witnesses to corroborate the September 2002 persecution of the PNC attackers who came to her home looking for her husband and who threatened her and her family. The IJ also failed to mention Petitioner's sister's affidavit where she attested to seeking police reports on behalf of Petitioner.

Here, the IJ stated that the evidence does not show that the Appellant was persecuted because of her race or political opinion or any other reason. (App. 16a). He went o say that assuming that the Appellant were deemed to be a credible witness in these proceedings, a finding that the Court declined to make, the Appellant had failed to demonstrate that she still has a well-founded fear of persecution in that she was able to relocate to another village in Guyana where she lived from September to January free from danger and free from harm. (App. 16a). However, the IJ earlier stated that the evidence in this case showed that the Appellant was not targeted by anyone but was the victim of a random break-in and the Court will not ascribe any additional weight to the Appellant's testimony other than that. (App. 15a). But what type of reasoning is that? He himself admitted that the background evidence in this case showed that Guyana is in a state of great turmoil at the present time with elevated crime and poverty and lawlessness in that country. (App. 16a). But he ignored the other evidence that shows the political and racial turmoil between the Afro- and Indo-Guyanese.

Appellant testified at length as to the threats she and her husband received from PNC supporters over a period of time because she and her husband had been supporting the ruling PPP party. Those PNC supporters wanted them to join the PNC and to stop supporting the ruling, Indian-based,

party. Her husband is Indian and she is of mixed race: Indian and Black. She testified that the PNC supporters who threatened her told her that she is Black and wanted to know why she was supporting the Indian-based PPP ruling party. She told them that she is of mixed race because her mother is Indian and her father is mixed also. (Pet. Br. 12)[1]

Appellant testified at her Individual Hearing that in September 2002, she, her two daughters and a neighbor were at Appellant's home when three PNC men pushed their way into her home and demanded to know where her husband was and that she should tell him to stop supporting the PPP party. After the men were caught and released by the police, they warned her not to identify them in an identification parade (police line-up). (Pet. Br. 13).

However, the IJ stated that her credibility had been called into serious question in those proceedings because the Appellant had told an Immigration Officer on two prior occasions (at the port of entry and at her Credible Fear interview) that her husband had been killed during the September 2002 encounter and at the merits hearing she stated that he had not been killed and is living in Guyana. (Pet. Br. 13).

The Appellant, however, had explained that on her journey to the US to seek protection from her persecutors, she did not know what to do once she reached the US and a woman on the boat on which she was traveling told her what to say. The Appellant testified that she did not know that it was wrong to say what she said and she did not have an attorney at the time who would properly advise her on what to do to seek protection in the United States. (Pet. Br. 13).

---

[1] Pet. Br. indicates text taken directly from Petitioner's Brief filed in her case before the 11th Circuit Court of Appeals.

In Akinmade v. INS, 196 F.3d 951 (9th Cir. 1999), the Court held "Akinmade's misrepresentations to immigration officials, in the course of fraudulently entering the United States, are wholly consistent with his claim to be fleeing persecution." See Also Patel v. INS, 2000 U.S. App. LEXIS 8517 (9th Cir. 2000). The Court in Turcios v. INS, 821 F.2d 1396 (9th Cir. 1987) stated that "Untrue statements by themselves are not reason for refusal of refugee status and it is the examiner's responsibility to evaluate such statements in the light of all of the circumstances of the case." Citing United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status para. 199, at 46 (Geneva 1979). See Also Yang v. Ashcroft, 99 Fed. Appx. 124 (9th Cir. 2004). (Pet. Br. 14).

Similarly, here, the Appellant testified that she was coming to America to seek protection and did not know what to do when she arrived. She took the advice of a traveling companion. She claimed that her husband was killed believing that it was the only way to get protection from the US government and the protection she needed was on account of the past persecution that she herself had suffered in Guyana from the PNC and the well-founded fear of future persecution by those same PNC men were she to be returned to Guyana. (Pet. Br. 14). Therefore, even if the Appellant's husband had not been killed by the PNC supporters on September 20, 2002, the Appellant here nonetheless is a refugee since she is unwilling to return to Guyana due to the past persecution that *she* has suffered on account of her support for the PPP party and the fact that she was of mixed race supporting the Indian-based PPP party and her PNC persecutors told her that she was Black and should be supporting the PNC party. (Pet. Br. 14-15). They knew that she was and had been a PPP party supporter. According to the Court in Turcios v. INS 821 F.2d at 1401, "Persecution because of an overt manifestation of a political opinion is

persecution because of political opinion." Therefore, she is not seeking asylum on account of her husband's persecution (whether he was killed or not), but based on her own persecution at the hands of the PNC supporters. (Pet. Br. 15).

In In re S-A-, 22 I. & N. Dec. 1328 (BIA 2000), the Board stated that "in applying the [credibility] test articulated in Matter of A-S-, 21 I. & N. Dec. 1106 (BIA 1998), we have found that the pertinent discrepancies most often exist either between an alien's testimony and his or her Application for Asylum and Withholding of Removal (Form I-589), or between the testimony offered during direct examination and that in cross-examination." The Appellant here testified consistently with her asylum application and provided corroboration for her testimony. She submitted three affidavits: one from her neighbor who suffered with her during the September 2002 attack in her home; one from the neighbor to whom they all ran to escape from the attackers; and one from her sister as to her not being able to obtain a police report because the police were charging a million dollars for it and she could not afford to pay for it (Pet. Br. 15).

Furthermore, the Board in In re S-A-, 22 I. & N. Dec. 1328 (BIA 2000) stated that "in addition to corroborating the Appellant's testimony concerning the futility and perils of seeking governmental protection, the 1997 Country Reports corroborate other dimensions of the testimony offered by the Appellant and her aunt". Similarly, here, the Appellant submitted country condition evidence on Guyana that support her testimony of racial tensions between Indo-Guyanese-based PPP party supporters and Afro-Guyanese-based opposition PNC party supporters. (Pet. Br. 16).

Since, as shown supra, the IJ's decision is not supported by reasonable, substantial, and probative evidence, the

11th Circuit erred in its application of the Substantial Evidence Standard.

CONCLUSION

The Eleventh Circuit Court of Appeal erred in its application of the Substantial Evidence Standard to the facts of Petitioner's case. In so doing, it erred in upholding the BIA's and the Immigration Judge's decisions denying political asylum and withholding of removal under the statute and the Convention Against Torture where Petitioner has a well-founded fear of persecution by the PNC Party, on account of her race and political opinion.

Therefore, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Georgia B. Gillett, Esq.
Counsel of Record
GBG LEGAL SERVICES, P.A.
2700 W. Atlantic Blvd., Suite 200-32
Pompano Beach, Florida 33069
Tel: (954) 978-9220

APPENDIX

Section 208(a) of the Immigration and Nationality Act:

Authority to Apply for Asylum.-

(1) In general. - Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 235(b).

(2) Exceptions. –

(A) Safe third country. - Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

(B) Time limit. - Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates by clear and convincing evidence that the application has been

filed within 1 year after the date of alien's arrival in the United States.

(C) Previous asylum applications. - Subject to subparagraph (D), paragraph (1) shall not apply to an alien if the alien has previously applied for asylum and had such application denied.

(D) Changed conditions. - An application for asylum of an alien may be considered, notwithstanding subparagraphs (B) and (C), if the alien demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant's eligibility for asylum or extraordinary circumstances relating to the delay in filing the application within the period specified in subparagraph (B).

(3) Limitation on judicial review. No court shall have jurisdiction to review any determination of the Attorney General under paragraph (2).

Section 212 of the Immigration and Nationality Act

(a) Classes of Aliens Ineligible for Visas or Admission.- Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(6) Illegal entrants and immigration violators.-

(C)Misrepresentation.-

(i) In general.-Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has

procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(7) Documentation requirements.-

(A)Immigrants.-

(i) In general.-Except as otherwise specifically provided in this Act, any immigrant at the time of application for admission-

(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 211(a).

Section 241(b)(3) of the Immigration and Nationality Act:

(b) Countries to Which Aliens May Be Removed.-

(3) Restriction on removal to a country where alien's life or freedom would be threatened.-

(A) In general.-Notwithstanding paragraphs (1) and (2), the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.

(B) Exception.-Subparagraph (A) does not apply to an alien deportable under section 237(a)(4)(D) or if the Attorney General decides that-

(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion;

(ii) the alien, having been convicted by a final judgment of a particularly serious crime, is a danger to the community of the United States;

(iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States before the alien arrived in the United States; or

(iv) there are reasonable grounds to believe that the alien is a danger to the security of the United States.

For purposes of clause (ii), an alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have committed a particularly serious crime. The previous sentence shall not preclude the Attorney General from determining that, notwithstanding the length of sentence imposed, an alien has been convicted of a particularly serious crime. For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.

8 C.F.R. § 208.13(b)(1)(i) (2000)

(b) Eligibility. The applicant may qualify as a refugee either because he or she has suffered past persecution or because he or she has a well-founded fear of future persecution.

(1) Past persecution. An applicant shall be found to be a refugee on the basis of past persecution if the applicant can establish that he or she has suffered persecution in the past in the applicant's country of nationality or, if stateless, in his or her country of last habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to return to, or avail himself or herself of the protection of, that country owing to such persecution. An applicant who has been found to have established such past persecution shall also be presumed to have a well-founded fear of persecution on the basis of the original claim. That presumption may be rebutted if an asylum officer or immigration judge makes one of the findings described in paragraph (b)(1)(i) of this section. If the applicant's fear of future persecution is unrelated to the past persecution, the applicant bears the burden of establishing that the fear is well-founded.

(i) Discretionary referral or denial. Except as provided in paragraph (b)(1)(iii) of this section, an asylum officer shall, in the exercise of his or her discretion, refer or deny, or an immigration judge, in the exercise of his or her discretion, shall deny the asylum application of an alien found to be a refugee on the basis of past persecution if any of the following is found by a preponderance of the evidence:

(A) There has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution in the applicant's country of nationality or, if stateless, in the applicant's country of last habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion; or

(B) The applicant could avoid future persecution by relocating to another part of the applicant's country of nationality or, if stateless, another part of the applicant's country of last habitual residence, and under all the circumstances, it would be reasonable to expect the applicant to do so.

8 C.F.R. Section 208.16(c)(2):

(c) Eligibility for withholding of removal under the Convention Against Torture.

(2) The burden of proof is on the applicant for withholding of removal under this paragraph to establish that it is more likely than not that he or she would be tortured if removed to the proposed country of removal. The testimony of the applicant, if credible, may be sufficient to sustain the burden of proof without corroboration.

8 U.S.C. § 1231 (b)(3) (Supp. II 1996)

(b) Countries to which aliens may be removed
(3) Restriction on removal to a country where alien's life or freedom would be threatened
(A) In general
Notwithstanding paragraphs (1) and (2), the Attorney General may not remove an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.
(B) Exception
Subparagraph (A) does not apply to an alien deportable under section 1227 (a)(4)(D) of this title or if the Attorney General decides that—

(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion;
(ii) the alien, having been convicted by a final judgment of a particularly serious crime is a danger to the community of the United States;
(iii) there are serious reasons to believe that the alien committed a serious nonpolitical crime outside the United States before the alien arrived in the United States; or
(iv) there are reasonable grounds to believe that the alien is a danger to the security of the United States.
For purposes of clause (ii), an alien who has been convicted of an aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years shall be considered to have committed a particularly serious crime. The previous sentence shall not preclude the Attorney General from determining that, notwithstanding the length of sentence imposed, an alien has been convicted of a particularly serious crime. For purposes of clause (iv), an alien who is described in section 1227 (a)(4)(B) of this title shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.

Immigration Court
155 South Miami Ave, Room 800
Miami, Florida 3310

In the matter of : Case no. A37-177-997

MANGRA, CHANKERAN
Respondent

IN REMOVAL

PROCEEDINGS

Order of the Immigration Judge

This is a summary of the oral decision entered on October 8, 2003. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the trial decision will become the official opinion in this case.

[x] The respondent was ordered removed from the United States to Guyana.
[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to ____ alternative _____
[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternative ____ of removal to _____
[x] Respondent's application for asylum was ( ) granted (x) denied, ( ) withdrawn
[x] Respondent's application for withholding of removal was ( ) granted (x) denied, ( ) withdrawn
[ ] Respondent's application for cancellation of removal under Section 240A was ( ) granted (√) denied, ( ) withdrawn
[ ] Respondent's application for cancellation of removal

was ( ) granted under Section 240A (b)(1); ( ) granted under Section 240A (b)(2); ( ) denied, ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Respondent's application of a waiver under Section ___of the INA was ( ) granted ( ) denied, ( ) withdrawn or ( ) other.

[ ] Respondent's application for adjustment of status under Section _____ of the INA was ( ) granted ( ) denied, ( ) Withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Respondent's status was rescinded under section 246.

[ ] Respondent is admitted to the United States as a _____ until _____.

[ ] As a condition of admission, respondent is to post a $____ bond.

[ ] Respondent knowingly filed a frivolous asylum application after proper malice.

[ ] Respondent was advised of the limitation or discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision. Proceedings were terminated.

[ ] Other:

Date: 5/13/03

Appeal ____ Reserved___x__ Appeal due by: Nov. 7, 2003

MDZ

_____/s/_____
Scott G. Alexander
Immigration Judge

ALIEN NUMBER: 96-021-
181.
ALIEN NAME:
MANGRA,
CHANKERAN

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL <M>
PERSONAL SERVICE
(P)

TO: ( ) ALIEN ( ) ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [ ] INS

DATE: 10-8-03 By: COURT STAFF

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

---

Q6

United States Department of Justice
Executive office for Immigration Review
United States Immigration Court
Miami, Florida

File A 96 021 181 October 8, 2003

In the Matter of

MANGRA, CHANKERAN } IN REMOVAL
} PROCEEDINGS
}
}
}
Respondent }

Charge:
Section 212(a)(6)(C)(I);
Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act

Application: Asylum, withholding of removal and Convention Against Torture

On behalf of Respondent:	On behalf of Department:
Georgia B. Gillett, Esquire	Howard Marbury, Esquire, Assistant District Counsel

Oral decision of the Immigration Judge

Background

The respondent in these proceedings is a single female native a citizen of Guyana who is 40 years old, who was issued a Notice to Appear (Form 1-862) charging her with removability pursuant to sections: Section 212 (a)(6) (C) (i) and section 212(a) (7) (A)(i) (I) of the Immigration and Nationality Act.

At a prior hearing the respondent admitted the allegations and conceded that charging document was found to be removable from the United States. The respondent has applied for asylum, withholding of removal and protection under Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). See exhibits 2 and 3.

The record also contains the State Department's Country Reports on Human Rights Practices dated March 31, 2003.

Summary of the Testimony

Upon direct examination the respondent testified that she is 40 years old and has two children by a man to whom she was wed in a religious Hindu ceremony. She testified that she did domestic work in Guyana in Stanley Town and considers herself to be Indo-Guyanese. She testified that she aligned herself with the PPP Party and received threats from the opposition PNC Party on numerous occasions. The respondent testified that in September of 2002, members of the PNC came into her home and pushed her door in. She testified that she noticed that she recognized one of the gentlemen and saw them carrying "shiny things like guns."

The respondent testified that they asked for her

husband and demanded to know why she and her husband had not joined the PNC party. The respondent testified that her daughter told the men that her father was not there and then shortly after that the respondent slipped out the door and went to her neighbor's home and summoned the police. The respondent testified that after the police came they didn't want to issue a report unless the respondent paid for it and the respondent didn't have sufficient funds to pay for it. She testified that she didn't move "because whole Guyana is at war." The respondent testified that her children are still in Guyana but cannot go to school because it is so dangerous there. She believes that if she returns that she would be in danger.

On cross-examination by the Department, the respondent was asked if she recalled being asked when she first arrived in the United States why she left Guyana and came to the United States. The respondent answered in the affirmative. She was asked if she remembered telling the immigration inspector that her husband was shot, the respondent answered in the affirmative and stated that she didn't know what to tell the immigration inspector and during the flight to the United States met someone who suggested that she needed to say what she told the Immigration inspector.

The respondent was asked if recalled talking to an Asylum officer several days later and being asked again why she left Guyana and came to the United States, The respondent answered in the affirmative. She was asked if she recalled telling the asylum officer that her husband was shot and gave the same answer but stated that she was quite confused. The respondent was asked if this testimony that she gave to the prior Immigration officer was not true and

answered in the affirmative.

The respondent was asked if her husband was still in Guyana and answered in the affirmative. She added that her husband left her. She was asked if they were no longer together and answered in the negative. She was asked if anything happened to her from September to January in Guyana after she left her home and answered in the negative, she added that she did feel afraid. She was asked why she then decided to come to the United States and answered "to have some protection."

A STATEMENT OF THE LAW

An applicant for asylum and for withholding of removal as the burden would establish that she has been subject to past persecution, has *a* well-founded fear of persecution, or is established *a* clear probability of persecution within the meanings of Section 208 and 241 (b) (3) of the Act. An applicant for withholding of removal under the Convention Against Torture must establish a clear probability that she will be tortured by or with the acquiescence of a public official or person acting in an official capacity.

Findings of the Court

The respondent arrived in the United States on January 13, 2003 without a valid immigration visa or other valid entry document required by the Act.

She presented a photo substitute Trinidadian passport with U.S. visa belonging to another person to the Immigration Inspector

The respondent alleges persecution by Members of the People's National Congress (PNC) on account of her race and on account *of* her political opinion.

After considering the testimony, written application and other evidence contained in the record I find that the respondent has failed to meet her burden to establish that she suffered past persecution or has a well- founded fear of persecution in her native country for the following reasons.

The respondent testified today that the reason that she came to the United States was to seek protection after men broke into her home in September of 2002 and threatened her and her husband. The respondent testified today that her husband was not at home when these men entered the house.

On two prior occasions, however, the respondent told an immigration officer of the United States that her husband had been killed by these individuals during this September 2002 encounter.

Today the respondent testified that these statements to these immigration officers were untrue and that her husband was not killed by anyone and is in fact living in Guyana.

The respondent has admitted today to giving false testimony to an immigration officer on at least two prior occasions. Her credibility has therefore been called into serious question in these proceedings.

The evidence in this case shows that the respondent was *not* targeted by anyone but was the victim of a random break in and the Court will not ascribe any additional weight to the respondent's testimony other than that. The background evidence in

this case shows that Guyana is in a state of great turmoil at the present time with elevated Crime and poverty and lawlessness in that country. The evidence does not show that the respondent was persecuted because of her race or her political opinion or any other reason.

Even assuming that the respondent were deemed to be a credible witness in these proceedings, a finding that the Court declines to make. The respondent has failed to demonstrate that she still has a well-founded fear of persecution in that she was able to relocate to another village in Guyana where she lived from September until January free from danger and free from harm. Based on the foregoing, statutory eligibility for asylum has not been shown. The Court will not address whether the respondent merits a favorable exercise of discretion.

Finally the evidence fails to establish a clear probability of persecution or torture in the respondent's country. See analysis above, see also INS v. Stevic, 467 U.S. 407 (1984).

Order

IT IS HEREBY ORDERED that the respondent' s application for asylum, withholding of removal and for withholding of removal under the Convention Against Torture are denied.

IT **IS FURTHER** ORDERED that the respondent be removed from the United States to Guyana on the charges contained in the Notice to **Appear.**

Dated **on** this 8th day **of** **October,** 2003.

*s/*_____
SCOTT G. ALEXANDER
Immigration Judge

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

Georgia B. Gillett, Esquire
2700 W. Atlantic Blvd.
Suite 200
Pompano Beach, FL
33069-0000

Office of the Chief Counsel/MIA
333 South Miami Ave.,
Suite 200-32
Miami, FL 33130

Name: MANGRA, CHANKERAN A96-021-181

Date of this notice: 3/28/2005

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,
/s/
Frank Kidder,
Chief Clerk

Enclosure
Panel Members:
PAULEY, ROGER

U.S. Department of Justice Decision of the Board of Immigration Appeals

Executive Office for Immigration Review
Falls Church, Virginia 22041

File A96-021-181 - Miami Date: MAR 28 2005

In re: MANGRA, CHANKERAN

IN RE REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Gillett, Georgia B., Esquire

ON BEHALF OF DHS: William C. Cox, Assistant Chief Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. See 8 C.F.R. §1003.1(e)(4).

/s/
(Roger Pauley) For the Board

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-12342
Non-Argument Calendar
Do not Publish

CIRCUIT COURT OF APPEALS
ELEVENTH CIRCUIT
OCTOBER 28, 2005
THOMAS KAHN CLERK

CHANKERAN MANGRA,

Petitioner

Versus

UNITED STATES ATTORNEY GENERAL,

Respondent

On Petition for Review of an Order of the
Board of Immigration Appeals

Before: DUBINA, HULL AND MARCUS, Circuit Judges.
Per Curiam;

BY THE COURT:

Chankeran "Nadira" Mangra, a native and citizen of Guyana, petitions this Court to review the decision of the Board of Immigration Appeals ("BIA") affirming without opinion the Immigration Judge's ("IJ") removability decision and denial of asylum under the

Immigration and Nationality Act ("INA").[1] For the reasons that follow, we deny the petition.

On appeal, Mangra argues the BIA committed legal error in determining she failed to meet her burden to establish that she suffered past persecution in Guyana, that she had a well-founded fear of future persecution if she returned to Guyana, and that she would be tortured if she returned to Guyana. In support of her argument, Mangra highlights her testimony about threats she and her husband received from members of the People's National Congress ("PNC"), her persecution based on her race (Indo-Guyanese), and her support of the People's Progressive Party ("PPP"). The IJ found that Mangra's credibility was "called into serious question in these proceedings" based on her admittedly false testimony to an immigration officer on two prior occasions and held that even if credible, Mangra did not demonstrate eligibility for INA or CAT relief.[2]

---

1 We review only the denial of asylum under the INA. In her (sic) order, the IJ also denied relief under the United Nations Convention Against Torture and other Cruel, Inhumane, and Degrading Treatment or Punishment ("CAT") and withholding of removal under the INA, However, because we find that Mangra has not established a case for asylum, we decline to address her arguments that she satisfied the higher standards for withholding of removal under the INA or the CAT. See Al N.ajjar v. Ashcroft. 257 F.3d 1262, 1292-93 (11th Cir. 2001); see also Forgue v. U.S. Att'y. Gen., 401 F.3d 1282. 1288 n.4 (11th Cir. 2005) (where an applicant fails to establish a claim of asylum on the merits, her other claims for withholding of removal under the INA or under CAT generally fail).

Because the BIA affirmed the IJ's order without opinion, we review the IJ's decision as if it were the BIA's decision. Al Najjar v. Ashcroft, 257 F.3d 1262, 1284 (11th Cir. 2001). We review the IJ's legal determinations de novo. D- Muhumed v. U.S. Att'y Gen., 388 F.3d 814, 817 (11th Cir. 2004). However, we examine factual findings, including determinations of credibility, under the substantial evidence test. Forgue v. US. Att'v Gen., 401 F.3d 1282, 1286 (11th Cir. 2005). Under the substantial evidence test, we will "affirm the IJ's decision if it is supported by reasonable, substantial, and probative evidence on the record considered as a whole." Id. (quotation omitted). To reverse the IJ's fact findings, we must find that the record not only supports reversal, but compels it." Mendozav. U.S. Att'y Gen., 327F.3d 1283, 1287 (11th Cir. 2003) (withholding of removal claim). That evidence in the record may also support a contrary conclusion is not enough to justify a reversal. Adefemi v. Ashcroft, 386 F.3d 1022, 1027 (11th Cir. 2004), cert, denied, — U.S. —, 125 S. Ct. 2245,161 L. Ed. 2d 1063(2005).

---

2 Mangra's petition comes to this Court after the passage of the REAL ID Act, Pub..L. 1 09- 1 3, Div. B, 1 19 Stat. 231 (2005). Section 101(a) (3) of Title I of the REAL ID Act contains new standards governing asylum and withholding-of-removal credibility determinations. See id at §§ 101 (a)(3) & (c). These standards are only applicable, however, to applications "made on or after" May 11, 2005 (the date of enactment). See id at § 101(h)(2). Mangra's application was filed prior to May 11, 2005 and, accordingly, the new standards for credibility determinations do not apply to this case. Cf. Qlujoke v. Gonzalez, 411 F.3d 16. 22 a. 4 (1st Cir. 2005) (acknowledging that the REAL ID Act contained new standards for reviewing credibility determinations, but

To reverse the IJ's decision, the record must compel a contrary conclusion. Yang v. US. Att'y Gen., 418 F.3d 1198, 1202 (11th Cir. 2005) (quotation omitted) (emphasis added).

An alien who arrives in or is present in the United States may apply for asylum. See INA § 208(a)(l), 8 U.S.C. § 1158(a)(l). To qualify for asylum, the alien must be a "refugee." See INA § 208(b)(1), 8U.S.C. § 1I58(b)(l). A Refugee" is any person *who* is unwilling to return to her home country or to avail herself of that country's protection "'because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion . ...' 8 U.S.C. § 1101(a)(42)(A).

The asylum applicant carries the burden of proving statutory "refugee" status. See Al Najjar. 257 F.3d at 1284; 8 C.F.R. § 208.13(a). The applicant satisfies this burden by showing, with specific and credible evidence: (1) past persecution on account of a statutorily listed factor, or (2) a "well-founded fear" that his or her statutorily listed factor will cause future persecution. 8 C.F.R. § 208.13(3), (b); Al Najjar. 257 F.3d at 1287. A "well-founded fear" of persecution may be established based on (1) past persecution that creates a presumption of a "well-founded fear" and by overcoming any rebuttal by the INS; (2) a reasonable possibility of personal persecution that cannot be avoided by relocating within the subject country; or (3) a pattern or practice in the subject country of persecuting

determining that these standards were not applicable to an application for asylum that was filed before the enactment of the REAL ID Act); see also Chen v. Gonzalez. 420 F.3d 707, 709 (7th Cir. 2005) (same).

members of a statutorily defined group of which the alien is a part. See 8 C.F.R § 208.13(b)(1)(2).

The petitioner's well-founded fear of persecution must be on account of, or because of, one of the statutorily listed factors, such as her political opinion. See INS v. Elias-Zacarias. 502 U.S. 478, 483, 112 S. Ct. 812, 816, 117L. Ed. 2d 38 (1992). The petitioner must establish this causal connection by "presenting specific, detailed facts showing a good reason to fear that he or she will be singled out for persecution on account of such an opinion." Sepulveda v. U.S. Att'y Gen. 401 F.3d 1226, 1231 (11th Cir. 2005) (quotation omitted). Moreover, we held that "persecution is an extreme concept, requiring more than a few isolated incidents of verbal harassment or intimidation, and that mere harassment does not amount to persecution." Id. (quotation omitted).

An adverse credibility determination alone may be fatal to an asylum application. Forgue. 401 F.3d at 1287. Before addressing whether substantial evidence supports an adverse credibility determination, we first must determine whether the IJ even made an adverse credibility determination. Yang. 418 F.3d at 1201. If the IJ makes an adverse credibility finding, then the IJ must provide specific, cogent reasons for doing so or the finding must be based on substantial evidence. Forgue. 401 F.3d at 1287 (citation omitted). An adverse credibility finding must go to the heart of the applicant's claim and not be based on minor

inconsistencies or omissions. See Chebchoub v. I.N.S 257 F.3d 1038, 1043 (9th Cir. 2001). After an adverse credibility finding is made, the applicant bears the burden of showing this decision was not supported by specific, cogent reasons or was not based on substantial evidence. Forgue. 401 F.3d at 1287. We will affirm a properly supported JJ's decision because we "may not substitute [our] judgment for that of the IJ with respect to credibility findings." Id, at 1286.

Here, the IJ's decision is supported by reasonable, substantial, and probative evidence and we are not compelled to reverse. Specifically, as found by the IJ, Mangra lied on two previous occasions about her husband being killed by PNC members, she gave inconsistent testimony, and embellished her claims of threats to her and her family. These discrepancies go to the heart of Mangra's claim of persecution.[3] On this record, Mangra has not met her burden to show the IJ's decision, including its credibility determination, was not supported by substantial evidence, Forgue. 401 F.3d at 1237. Accordingly, we deny her petition for review.

PETITION DENIED

3 We also observe that evidence in the record supported the possibility of a reasonable relocation within Guyana, dispelling Mangra's claim of a well-founded fear of persecution. We have approved of a "country-wide requirement" in which a refugee must first pursue an "internal resettlement alternative" in his own country, or establish that this is not possible, before seeking asylum here. Mazariegos v. U.S. Att'v Gen. 241 F.34 J32Q. 1326-27 (11th Cir. 2001).